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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,246	02/03/2005	Colin Ross Joy	1075-P0001	9768
36067 7590 04/25/2008 DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037				
EXAMINER				
HADIZONOZ, BANAFSHEH				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/524,246

**Applicant(s)**

JOY, COLIN ROSS

**Examiner**

Banafsheh Hadizonooz

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 02/03/2005

**Detailed Action**

In response to correspondence filed on 2/03/2005, claims 1-7 are pending. This office action is made non-final.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Briffe et al. (US 6,038,498).

Regarding claim 1, Briffe discloses an apparatus and method for aircraft monitoring comprising a computer having computer program configured to affect a visual display (e.g. LCD)(See Col.5, 31-40) for checking the requirements in the order of the steps provided within the memory ;

A manually operable initiation routine request member (e.g. switch) electrically connected to said computer and an emergency request element comprising a manually operable emergency request initiation member (e.g. the five position switch to view the checklist) electrically connected to said computer to affect a visual display showing an emergency checking requirement (See Col.2, 40-Col.3, 16).

With respect to claim 2, Briffe discloses that the check list management system includes instructions within each page that are stored in the memory, and a user

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interpretable audio signal uniquely identifying one or more checking requirements (See Col.1, 63-67 and Col. 21, 38-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Briffe et al ( US 6038498) in view of Kenny et al. (US 5,394,892).**

Regarding claim 3, Briffe discloses that the device generates audio and voice signals. Briffe does not expressly disclose that the voice signals are replication of text corresponding to checking requirement. However, Dame discloses an Aural/visual checklist system for avionic purposes, wherein the processor stores and plays an audio file associated with predetermined tasks (See Abstract and P.3 [0037]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Dame's invention into the system and method of Briffe in order to design a system that communicates with the operator in completing the checklist.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dame (US 2003/0025682) in view of Kenny et al. (US 5,394,892).**

With respect to claim 4, Dame discloses an aural/visual checklist system for routine and emergency checking procedure that is used in operation of an aircraft comprising a

visual display interpretable by a user (e.g. flat panel display), a manually operable initiation routine request (e.g. push button interface), a computer program that affects the visual display (programs stored in memory and CPU) and an emergency request element (e.g. navigation hardkeys) that are manually operable for emergency request initiation (See P.1, [0009]-P.2, [0012]). Dame does not specifically disclose that the apparatus is in a self contained body. The applicant discloses in P.3, [0031] that the apparatus is also intended to be used by surgeons. Kenny discloses a CPR prompting apparatus comprising a casing housing, input and output elements, microprocessor and display means to enable the operator to navigate through CPR steps (See Col.3, 23-Col.4, 25). Therefore, it would have been obvious to incorporate the features of the Kenny's invention into the system and method of Dame in order to design an apparatus that is reusable for all emergency purposes including avionics and medical emergencies.

**Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dame (US 2003/0025682) in view of Kenny et al. (US 5,394,892) as applied to claim 4 above and further in view of Briffe et al. (US 6,038,498).**

Regarding claim 5, Briffe discloses that the instructions associated with each page are stored in memory (See Col.21, 38-52).

Regarding claims 5 and 6, Dame further discloses audio signals repeating the steps displayed on the check list (See P.3, [0036] and [0037]).

Regarding claim 7, Dame discloses initializing a computer program running on a computer, providing a visual display interpretable in each case by a user, a manually operable initiation routine request, wherein the manual activation affects the visual display, a manually operable emergency request initiation member that is electrically connected to said computer and going through the checklist by going backward and forward using the rotary knob and selecting through the program (See P.1, [0009]-[P.2,[0014] and Figs. 1 and 2). Dame does not specifically disclose initiating the manually operable routine request from time to time to ensure said checking is complied with in the event of an emergency. However, the examiner takes official notice that ensuring the operability of the safety devices are well known in the industry (e.g. smoke detectors, elevators, fire extinguishers). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dame's invention to include routine maintenance of the apparatus in order to ensure that is operable in emergency situations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

04/23.2008

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714